

SECTION 3 PLAN  
FOR  
THE CITY OF SAINT PAUL  
AND ITS  
HOUSING AND REDEVELOPMENT AUTHORITY  
(Revised March 4, 2010)

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## **I. Introduction**

Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701(u)) ("Section 3") requires the City of Saint Paul ("Saint Paul") and its Housing and Redevelopment Authority ("HRA")(collectively Saint Paul and HRA are referred to as the "City") to ensure that employment, training, contracting and other economic and business opportunities generated by the Department of Housing and Urban Development ("HUD") financial assistance, to the greatest extent feasible, are directed to public housing residents and other low-income persons, particularly recipients of government housing assistance, and business concerns that provide economic opportunities to low and very-low income persons.

This Section 3 plan ("Plan") identifies the goals, objectives and actions that will be implemented by the City to ensure compliance in its own operations and those of developers, covered contractors and covered subcontractors with the requirements of Section 3 and its regulations found at 24 CFR Part 135. The City may take other actions it deems necessary as well. At the same time, the City will also be complying with all other laws and regulations pertaining to the awarding of contracts including without limitation laws requiring the awarding of contracts to the lowest responsible bidder. The City will designate a Section 3 Coordinator who will work with City departments, developers, contractors, subcontractors, Section 3 business owners, members of the community, and public housing residents to coordinate and monitor activities that contribute to Section 3 compliance. Defined Terms used in this Plan are defined either in this Plan, in Attachment A or at 24 CFR Part 135.

## **II. Section 3 City Contracting Policy and Procedure**

The City will include Section 3 information and requirements in all its procurements and bid specifications for projects covered by Section 3, which by reference become a part of the City's contract with the successful bidder. This Plan contains goal requirements for awarding contracts to Section 3 business concerns.

All contractors/businesses seeking contracts as Section 3 business concerns must, before submitting bids/proposals to the City, complete certifications acknowledging the Section 3 contracting and employment provisions required by this Plan. Such certifications shall be adequately supported with appropriate documentation as referenced in the form.

Any bidder/proposer's failure to agree to a Section 3 action plan may render the bid non-responsive and may cause the bidder/proposer to be disqualified from further consideration for the contract.

## **III. Efforts by City to Award Contract Opportunities to Section 3 Business Concerns and Employment Opportunities to Section 3 residents.**

The City will use the following methods to notify and contract with Section 3 business concerns when contracting opportunities exist:

- Create a Section 3 page on the City's web site.
- Advertise contracting and employment opportunities via the City's web page that will provide general information about the work to be contracted and where to obtain additional information.
- Create and maintain a list of certified Section 3 businesses and Section 3 residents.
- Send notices to all vendors on the City's current CERT list, and other interested entities, inviting eligible businesses to submit certification forms. Businesses shall certify or submit evidence, if requested, that the business concern is a Section 3 business concern as defined in Section 135.5 of 24 CFR.
- Provide electronic notice of contracting opportunities to Section 3 business concerns on the City's Section 3 list.

**IV. Efforts by City to cause developers, covered contractors and covered subcontractors to Award Contract Opportunities to Section 3 Business Concerns and Employment Opportunities to Section 3 residents.**

In addition to the efforts described in section III above, the City will use the following methods to facilitate compliance of Section 3 by developers, covered contractors and covered subcontractors:

- Section 3 information and requirements will be provided at all pre-bid meetings and pre-construction conferences by means of a prerecorded DVD and/or City staff member. Written agenda of such meetings and conferences will be maintained in the project file. Section 3 materials to be handed out include the information in Attachment B.
- HRA development and contracting process will include:
  - (a) adding Section 3 to the list of potential compliance in the first compliance letter sent to a potential developer, which letter identifies the range of potential compliance areas for a project; and require that developer acknowledges receipt of this letter;
  - (b) adding Section 3, if applicable, to the second compliance letter, which letter identifies actual compliance areas applicable to the project, and require acknowledgement by developer;
  - (c) adding Section 3 to compliance checklist that is used by the City Attorney Office to review contracts;
  - (d) adding Section 3 language to contract as set forth in Attachment C;
  - (e) requiring reporting to be submitted to the City;
  - (f) monitoring contractor/subcontractor efforts to meet Section 3 goals; and
  - (g) adding Section 3 to the Compliance Matrix which is distributed to City staff.

- Require developers, covered contractors and covered subcontractors to name a Section 3 compliance officer for the project, and to prepare a Section 3 action plan for the project.
- Businesses must also demonstrate, if requested, to the satisfaction of the party awarding the contract that the business concern is responsible and has the ability to perform successfully under the terms and conditions of the proposed contract.

**V. Required minimum steps to be taken by developers, covered contractors, and covered subcontractors; Section 3 action plan; Section 3 Contracting and Employment Opportunities Template.**

To meet the contracting and employment requirements of Section 3, the following minimum steps must be taken by the developer, covered contractor and covered subcontractor:

1. Obtain a list of certified Section 3 business concerns from the City's web page.
2. Attend all pre-bid and pre-construction conferences to obtain information about the Section 3 program requirements.
3. Solicit at least 3 bids from the City's list of Section 3 business concerns. If such list has fewer than three (3) qualified businesses, then the contractor/subcontractor must contact the entire list.
4. Provide plans and specifications or information regarding the location of plans and specifications to Section 3 business concerns.
5. Attempt to the greatest extent feasible to meet the following project contracting and employment goals:
  - 10% of the total dollar amount of all Section 3 covered contracts for building trades work arising in connection with housing rehabilitation, housing construction, and other public construction will be awarded to qualifying Section 3 business concerns.
  - At least 3% of the total dollar amount of all other Section 3 covered contracts (eg architect, appraisal, etc) will be awarded to qualifying Section 3 business concerns.
  - The goal for employment in Section 3 covered contracts is 30% of the aggregate number of new hires in any fiscal year will be Section 3 residents.

Goals apply to all construction costs of the project, not just the amount of HUD financial assistance. Records must be maintained on goals reached, and efforts/actions taken to reach goals. If goals are not met, a description of impediments encountered despite actions taken must be included. Reporting of such efforts/actions must be made to the City on forms supplied by the City including those in Attachment D.

6. File Section 3 reports with the City at such frequency and on such forms required by the City.
7. File Section 3 reports with the City using the electronic reporting system known as B2Gnow/LCPtracker.
8. Designate a Section 3 compliance officer for the project.
9. Execute and submit to the City such other documents and Section 3 action plan to meet Section 3 goals as requested by the City, including without limitation the Section 3 action plan attached as Attachment F and the Section 3 Contracting and Employment Opportunities Template as Attachment G. The Section 3 action plan shall contain specific information (a) about the current workforce, (b) strategies for hiring Section 3 residents, (c) strategies for engaging Section 3 business concerns, and (d) efforts to conduct aggressive outreach and notification to potential Section 3 business concerns and residents of contracting and employment opportunities.
10. Meet with City staff to discuss the City's review of the submitted Section 3 action plan and modify the plan based on feedback from the City.
11. Comply with the Section 3 contract language set forth in Attachment C.
12. Where noncompliance is found by the City, the City will issue notification of the nature of the deficiency and issue directives for corrective actions, and such corrective actions shall immediately be taken.

#### **VI. Contracting goals of City, developers, covered contractors and covered subcontractors**

The following are Section 3 project contracting goals for the City, developers, covered contractors, and covered subcontractors:

- 10 % of the total dollar amount of all section 3 covered contracts for building trades work arising in connection with housing rehabilitation, housing construction, and other public construction will be awarded to qualifying Section 3 business concerns, and
- At least 3% of the total dollar amount of all other Section 3 covered contracts (eg architect, appraisal, etc.) will be awarded to qualifying Section 3 business concerns.

Goals apply to all construction costs of project, not just amount of HUD financial assistance. Records must be maintained on goals reached, and efforts/actions taken to reach goals. If goals are not met, a description of impediments encountered despite actions taken must be included. Reporting of such efforts/actions must be made to the City on forms supplied by the City including those forms set forth in Attachment D.

**VII. Section 3 Employment Goals of the City, developers, covered contractors and covered subcontractors.**

It is the policy of the City to utilize and to require developers, covered contractors and covered subcontractors to utilize Section 3 residents and other Section 3 eligible persons and businesses in contracts partially or wholly funded with monies from HUD. The City has established employment goals for itself, developers, covered contractors and covered subcontractors to attain in order to comply with Section 3 requirements in accordance with 24 CFR 135.30. The numerical goals are:

- For Section 3 covered contracts, thirty percent (30%) of the aggregate number of new hires in any fiscal year will be Section 3 residents.

The City, developers, covered contractors and covered subcontractors must comply with the requirements of 24 CFR 135.32. The Section 3 contract clause required by 24 CFR Section 135.38 specifies the requirements for contractors hired for Section 3 covered projects. The Section 3 clause will be included in contracts for all Section 3 covered projects.

It is the responsibility of developers, covered contractors and covered subcontractors to comply with Section 3, and all developers, covered contractors and covered subcontractors submitting bids or proposals to the City are required to certify that they will comply with the requirements of Section 3.

**VIII. Training Goals.**

The City has drawn upon its partnership with Ramsey County Workforce Solutions Department and Saint Paul Public Housing Agency (SPHA) under the Joint Powers Agreement (JPA) for the Workforce Investment Act (WIA) to provide training and employment opportunities to eligible Section 3 residents directed at opportunities generated by the City, its developers, contractors or subcontractors.

All new hires (detailed in the job utilization plan) are posted on the web-based interactive Job Connect system [www.jobconnectmn.com](http://www.jobconnectmn.com) under a separate Saint Paul jobs and training link. This link details job requirements, hours of work, pay, employer contact, training opportunities and support services. The Job Connect system also has a database of Section 3 eligibles, skill levels and job matching tools that can be sorted and broadcasted by census tracts corresponding to project areas, public housing units and economically depressed communities.

Job Connect is accessible by low income individuals, Section 3 employers and over 40 different government and community-based employment and training entities including Opportunities Industrialization Centre (OIC), Merrick Brownfield Community Services, Goodwill Easter Seals, and Saint Paul College (a community and technical college).

**IX. CIB Funding of \$300,000.**

In an attempt to remove barriers for Section 3 residents and Section 3 business concerns thereby allowing full participation in economic opportunities generated by HUD financial assistance, the City's Planning and Economic Development Department applied in January 2007 for funding in the amount of \$300,000 from the City's Capital Improvement Budget (CIB). The intended use of these funds was to provide Section 3 residents and Section 3 business concerns with technical assistance tools, no interest loans, new employee wage subsidies and work readiness training. This funding request was approved by the CIB committee and the City Council in the summer of 2009. The City will be using the funds in connection with City capital projects.

**X. Section 3 Residents Certification Procedure**

The City will certify Section 3 residents who (i) reside in the City of Saint Paul, and (ii) complete forms (see Attachment E) and attach adequate proof of Section 3 eligibility as required by the City.

**XI. Section 3 Business Concerns Certification Procedure**

Any business seeking contracts as a Section 3 business concern in the awarding of contracts or purchase agreements with the City, developers, contractors or subcontractors shall complete the certification form (see Attachment E), which can be obtained from the City's Section 3 Coordinator. The business seeking Section 3 status must provide adequate documentation of eligibility for Section 3 status. Certifications of Section 3 status for business concerns must be obtained from the City's Section 3 Coordinator prior to the submission of bids for approval. If the Section 3 Coordinator previously approved the business concern to be Section 3 certified within the last three years, then the certification can be submitted along with the bid. A Section 3 business concern that is certified as such by another governmental entity is also considered to be a Section 3 business concern by the City, provided that the City reserves the right to independently verify status as a Section 3 business concern by requesting that such Section 3 business concern provide to the City documentation supporting its status as a Section 3 business concern. The City will consider entering into a joint certification program with other metro area public entities.

**XII. Contracting Priorities with Section 3 Business Concerns**

The City, in compliance with Section 3 regulations, will require its staff, developers, covered contractors and covered subcontractors (including professional service contractors) to direct their efforts to award contracts in community development programs, where feasible, to (i) Section 3 business concerns that provide economic opportunities for Section 3 residents living in the



service area or neighborhood in which the Section 3 covered project is located; (ii) applicants selected to carry out HUD Youthbuild programs; and (iii) other Section 3 business concerns.

### **XIII. Monitoring and Compliance**

The City, through the Section 3 Coordinator and other staff, will monitor outreach and hiring practices of developers, covered contractors and covered subcontractors, including monitoring the dollar value of subcontracts awarded to Section 3 business concerns and employment of Section 3 residents. Any developer, covered contractor, or covered subcontractor that does not meet the Section 3 numerical contracting and employment goals must demonstrate in a written report to the City the efforts and actions taken to reach the goals and a description of impediments encountered.

City staff will assess the efforts and action taken, and if those are found to be insufficient, the City will issue notification of the nature of the deficiency and issue directives for corrective actions, and such corrective actions shall immediately be taken. If corrective action is not promptly taken and noncompliance is not remedied, then the City will declare a default under the contract and exercise appropriate contract remedies including without limitation withholding approvals of draw requests pending remedial action. The City will also consider taking steps to debar the developer, covered contractor and covered subcontractor under the City's ordinance.

Where a bidder, contractor, subcontractor, developer or sub-recipient has not reached the goal that at least 10% of the total dollar amount of all Section 3 covered subcontracts for building trades work arising in connection with housing rehabilitation, housing construction, demolition, waste management and/or other public construction to Section 3 business concerns and at least 3% of the total dollar amount of all other Section 3 covered contracts are provided to Section 3 business concerns, the bidder, contractor, developer and/or sub-recipient are required to make additional efforts. Those additional actions include but shall not be limited to:

- (a) Within 120 days the City will devise and implement Section 3 Procurement Preferences consistent with the Appendix III to 24 CFR 135, Examples of Procurement that Provides for Preference for Section 3 Business Concerns and require the bidder, contractor, subcontractor, developer and sub-recipient to comply with the same. The Preferences will be devised so as to maximize the utilization of Section 3 sub-contractors without economically disadvantaging general contractors or developers.
- (b) The bidder, contractor, sub-contractor, developer or sub-recipient are required to provide other economic opportunities to Section 3 residents and businesses pursuant to 24 CFR 135.40 as follows. Where at least 10% of the total dollar amount of all Section 3 covered contracts for building trades work arising in connection with housing rehabilitation, housing construction, demolition,

waste management, and/or public construction or at least 3% of the total dollar amount of all other Section 3 covered contracts are not provided to Section 3 business concerns and/or do not result in the employment of Section 3 residents, the bidder, contractor, sub-contractor, developer or sub-recipient will be required to contribute the difference between 10% of the covered contract amount (3% for non-construction related contracts) and the amount provided to Section 3 business concerns and/or in the employment of Section 3 residents into the City's Section 3 Implementation Fund.

All contracts will be evaluated upon completion of the project for compliance with the Section 3 action plan for the contract. The developer's, covered contractor's and covered subcontractor's compliance or noncompliance may be used to determine responsibility and bid responsiveness on future contracting opportunities with the City.

#### **XIV. City Reporting**

The City will electronically file Form 60002 annually with HUD at its Washington, D.C. office at the same time of year as the CAPER is sent to HUD's local office.

#### **XV. Protest and Complaint Processing**

##### **Cooperation in Achieving Compliance**

The City recognizes that the success of ensuring that Section 3 residents and Section 3 business concerns have the opportunity to apply for jobs and to bid for contracts generated by covered HUD financial assistance depends upon the cooperation and assistance of the City, developers, the contractors and subcontractors. A Section 3 resident or business concern maintains the right to file a complaint directly with HUD's Office of Fair Housing and Equal Opportunity.

All recipients, developers, covered contractors and covered subcontractors shall cooperate fully and promptly with HUD in Section 3 compliance reviews, in investigations of allegations of noncompliance made and with the distribution and collection of data and information.

##### **Filing and Processing Complaints**

**Who may file a complaint?** The following individuals and business concerns may, personally or through an authorized representative, file a complaint with HUD alleging noncompliance with Section 3:

1. Any Section 3 resident on behalf of himself or herself, or as a representative of persons similarly situated, seeking employment, training or other economic opportunities, or by a

representative who is not a Section 3 resident but who represents one or more Section 3 residents;

2. Any Section 3 business concern on behalf of itself, or as a representative of other Section 3 business concerns similarly situated, seeking contract opportunities generated from the expenditure of Section 3 assistance from a recipient or contractor, or by an individual representative of Section 3 business concerns.

**Where to file a complaint.** A complaint must be filed with the Assistant Secretary for Fair Housing and Equal Opportunity, Department of Housing and Urban Development, Washington, DC 20410.

### **Time of Filing**

1. A complaint must be received not later than 180 days from the date of the action or omission upon which the complaint is based, unless the time for filing is extended by the Assistant Secretary for good cause shown.
2. Where a complaint alleges noncompliance with Section 3 and the regulations of this part (24 CFR 135) that is continuing, as manifested in a number of incidents of noncompliance, the complaint will be timely if filed within 180 days of the last alleged occurrence of noncompliance.
3. Where a complaint contains incomplete information, the Assistant Secretary shall request the needed information from the complainant. In the event this information is not furnished to the Assistant Secretary within sixty (60) days of the date of the request, the complaint may be closed.

### **Contents of Complaint**

**Written complaints:** Each complaint must be in writing, signed by the complainant, and shall include:

1. Name and address of the complainant;
2. The name and address of the respondent;
3. A description of the acts or omissions by the respondent that is sufficient to inform the Assistant Secretary of the nature and date of the alleged non-compliance; and
4. A complainant may provide information to be contained in a complaint by telephone to HUD.

### **Amendment of Complaint**

Complaints may be reasonably and fairly amended at any time. Such amendments may include, but are not limited to, amendments to cure technical defects or omissions, including failure to sign or affirm a complaint, to clarify or amplify the allegations in a complaint, or to join

additional or substitute respondents. Except for the purposes of notifying respondents, amended complaints will be considered as having been made as of the original filing date.

### **Resolution of complaint**

1. Within ten (10) days of a timely filing of a complaint that contains complete information, the Assistant Secretary shall determine whether the complainant alleges an action or omission by the City or the City's contractor that, if proven, qualifies as noncompliance with Section 3. If a determination is made that there is an allegation of noncompliance with Section 3, the complaint shall be sent to the City for resolution.
2. If the City's Section 3 Coordinator believes that the complaint lacks merit, the City's Section 3 Coordinator must notify the Assistant Secretary, in writing, of this recommendation with supporting reasons, within thirty (30) days of the date of receipt of the complaint. The determination that a complaint lacks merit is reserved to the Assistant Secretary.
3. If the City's Section 3 Coordinator determines that there is merit to the complaint, the City will have sixty (60) days from the date of receipt of the complaint to resolve the matter with the complainant. At the expiration of the sixty (60) day period, the City must notify the Assistant Secretary in writing whether a resolution of the complaint has been reached.

If resolution has been reached, the notification must be signed by both the City and the complainant, and must summarize the terms of the resolution reached between the two parties.

4. Any request for an extension of the sixty (60) day period by the City must be submitted in writing to the Assistant Secretary, and must include a statement explaining the need for the extension.
5. If the City is unable to resolve the complaint within the sixty (60) day period (or more if extended by the Assistant Secretary), the complaint shall be referred to the Assistant Secretary for handling.

**Judicial relief:** Nothing in this procedure precludes a Section 3 resident or Section 3 business concerning from exercising the right, which may otherwise be available, to seek redress directly through judicial procedures.

## **Attachment A**

### **SECTION 3 DEFINITIONS**

*Applicant* means any entity which makes an application for Section 3 covered assistance, and includes, but is not limited to, any State, unit of local government, public housing agency, Indian housing authority, Indian tribe, or other public body, public or private nonprofit organization, private agency or institution, mortgagor, developer, limited dividend sponsor, builder, property manager, community housing development organization (CHDO), resident management corporation, resident council, or cooperative association.

*Business concern* means a business entity formed in accordance with State law, and which is licensed under State, county or municipal law to engage in the type of business activity for which it was formed.

*Business concern that provides economic opportunities for low-and very low-income persons.* See definition of "Section 3 business concern" in this section.

*Contract.* See definition of "Section 3 covered contract" in this section.

*Contractor* means any entity which contracts to perform work generated by the expenditure of Section 3 covered assistance, or for work in connection with a Section 3-covered project.

*Covered contractor* means any contractor whose contract for the Section 3 covered project exceeds \$100,000.00.

*Department or HUD* means the Department of Housing and Urban Development, including its Field Offices to which authority has been delegated to perform functions under this part.

*Developer* means the developer as used in the definition of Recipient.

*Employment opportunities generated by Section 3 covered housing and community development assistance.* This term means all employment opportunities arising in connection with Section 3 covered projects (as described in 135.3(a)(2), including management and administrative jobs connected with the Section 3 covered project. Management and administrative jobs include architectural, engineering or related professional services required to prepare plans, drawings, specifications, or work write-ups; and jobs directly related to administrative support of these activities, e.g., construction manager, relocation specialists, payroll clerk, etc.

*Housing and community development assistance* means any financial assistance provided or otherwise made available through a HUD housing or community development program through any grant, loan, loan guarantee, cooperative agreement, or contract, and includes community development funds in the form of community development block grants, and loans guaranteed under Section 108 of the Housing and Community Development Act of 1974, as amended.

Housing and community development assistance does not include financial assistance provided through a contract of insurance or guaranty.

*JTPA* means the job Training Partnership Act (29 U.S.C. 1579(a)).

*Low-income person.* See the definition of "Section 3 resident" in this section.

*Metropolitan area* means a metropolitan statistical area (MSA), as established by the Office of Management and Budget.

*Neighborhood area* means:

- (1) For HUD housing programs, a geographical location within the jurisdiction of a unit of general local government (but not the entire jurisdiction) designated in ordinances, or other local documents as a neighborhood, village, or similar geographical designation.
- (2) For HUD community development programs, see the definition, if provided, in the regulations for the applicable community development program, or the definition for this term in 24 CFR 570.204(c)(1).

*New hires* mean full-time employees for permanent, temporary or seasonal employment opportunities.

*Other HUD programs* means HUD programs, other than HUD public and Indian housing programs, that provide housing and community development assistance for "Section 3 covered projects" as defined in this section.

*Recipient* means any entity which receives Section 3 covered assistance directly from HUD or from another recipient and includes, but is not limited to, any State, unit of local government, PHA, IHA, Indian Tribe, or other public body, public or private nonprofit organization, private agency or institution, mortgagor, developer, limited dividend sponsor, builder, property manager, community housing development organization, resident management corporation, resident council, or cooperative association. Recipient also includes any successor, assignee or transferee of any such entity, but does not include any ultimate beneficiary under the HUD program to which Section 3 applies and does not include contractors.

*Secretary* means the Secretary of Housing Urban Development (HUD).

*Section 3* means Section 3 of the Housing Urban Development Act of 1968, as amended (12 U.S.C. 1701(u)).

*Section 3 business concern* means a business concern, as defined in this section.

- (1) That is 51 percent or more owned by Section 3 residents; or
- (2) Whose permanent, full-time employees include persons, at least 30 percent of whom are currently Section 3 residents, or within three years of the date of first employment with the business concern were Section 3 residents, or

- (3) That provides evidence of a commitment to contract in excess of 25 percent of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications set forth in paragraphs (1) or (2) in this definition of "Section 3 business concern".

*Section 3 clause* means the contract provisions set forth in 24 CFR 135.38.

*Section 3 covered assistance* means

(1) Assistance provided under any HUD housing or community development program that is expended for work arising in connection with:

- (i) Housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair and replacement);
- (ii) Housing construction; or
- (iii) Other public construction projects (which includes other buildings or improvements, regardless of ownership).

*Section 3 covered contract* means a contract or subcontract (including a professional service contract) awarded by a recipient or contractor for work generated by the expenditure of section 3 covered assistance, or for work arising in connection with a section 3 covered project. "Section 3 covered contracts" do not include contracts awarded under HUD's procurement program, which are governed by the Federal Acquisition Regulation System (see 48 CFR, Chapter 1). "Section 3 covered contracts" also do not include contracts for the purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a section 3 covered contract. For example, a contract for the purchase and installation of a furnace would be a section 3 covered contract because the contract is for work (i.e., the installation of a furnace) and thus is covered by section 3.

*Section 3 covered project* means the construction, reconstruction, conversion or rehabilitation of housing (including reduction and abatement of lead-based paint hazards), other public construction which includes buildings or improvements (regardless of ownership) assisted with housing or community development assistance.

*Section 3 resident means:* (1) A public housing resident; or (2) An individual who resides in the metropolitan area or non-metropolitan county in which the section 3 covered assistance is expended, and who is:

- (i) *A low-income person*, as this term is defined in section 3(b)(2) of the 1937 Act (42 U.S.C. 1437a(b)(2)). Section 3(b)(2) of the 1937 Act defines this term to mean families (including single persons) whose incomes do not exceed 80 per centum of the median income for the area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80 per centum of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low-income families; or
- (ii) *A very low-income person*, as this term is defined in section 3(b)(2) of the 1937 Act (42 U.S.C. 1437a(b)(2)). Section 3(b)(2) of the 1937 Act (42 U.S.C. 1437a(b)(2)) defines this term to mean families (including single persons) whose incomes do not exceed 50 per

centum of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50 per centum of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

*Subcontractor* means any entity (other than a person who is an employee of the contractor) which has a contract with a contractor to undertake a portion of the contractor's obligation for the performance of work generated by the expenditure of Section 3 covered assistance, or arising in connection with a Section 3 covered project.

*Covered subcontractor* means any subcontractor whose contract for the Section 3 covered project exceeds \$100,000.00



## Attachment B

The Section 3 program requires that recipients of certain HUD financial assistance, to the greatest extent feasible, provide employment, training and contracting opportunities to low- or very low- income persons and to Section 3 business concerns in connection with the HUD assisted project.

### **Contracting and Employment:**

To meet the contracting and employment requirements of Section 3, the following minimum steps must be taken by the developer, covered contractors and covered subcontractors:

1. Obtain a list of certified Section 3 business concerns from the City's web page.
2. Attend all pre-bid meetings and pre-construction conferences to obtain information about the Section 3 program requirements.
3. Solicit at least 3 bids from the City's list of Section 3 business concerns. If such list has fewer than three (3) qualified businesses, then the contractor/subcontractor must contact the entire list.
4. Provide plans and specifications or information regarding the location of plans and specifications to certified Section 3 businesses.
5. Attempt to the greatest extent feasible to meet the following project contracting and employment goals:
  - 10 % of the total dollar amount of all Section 3 covered contracts for building trades work arising in connection with housing rehabilitation, housing construction, and other public construction will be awarded to qualifying Section 3 business concerns.
  - At least 3% of the total dollar amount of all other Section 3 covered contracts (eg. Architect, appraisal, etc) will be awarded to qualifying Section 3 business concerns.
  - The goal for employment in Section 3 covered contracts is thirty percent (30%) of the aggregate number of new hires in any fiscal year will be Section 3 residents.Goals apply to all construction costs of project, not just amount of HUD financial assistance. Records must be maintained on goals reached, and efforts/actions taken to reach goals. If goals are not met, a description of impediments encountered despite actions taken must be included. Reporting of such efforts/actions must be made to the City on forms supplied by the City including those in Attachment D.
6. File Section 3 reports with City/HRA at such frequency and on such forms as required by the City.
7. File Section 3 reports with the City using the electronic reporting system known as B2Gnow/LCPtracker.
8. Designate a Section 3 compliance officer for the project.

9. Execute and submit to the City such other documents and Section 3 action plan to meet Section 3 goals as requested by the City, including without limitation the Section 3 action plan attached as Attachment F and the Section 3 Contracting and Employment Opportunities Template as Attachment G. The Section 3 action plan shall contain specific information (a) about the current workforce, (b) strategies for hiring Section 3 residents, (c) strategies for engaging Section 3 business concerns, and (d) efforts to conduct aggressive outreach and notification to potential Section 3 business concerns and residents of contracting and employment opportunities.
10. Meet with City staff to discuss the City's review of the submitted Section 3 action plan and modify the plan based on feedback from the City.
11. Comply with the Section 3 contract language set forth in Attachment C.
12. Where noncompliance is found by the City, the City will issue notification of the nature of the deficiency and issue directives for corrective actions, and such corrective actions shall immediately be taken.

### Attachment C

*[Insert this into compliance section of contract.]*

#### Section 3, Housing and Urban Development Act.

A. The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing. The borrower/developer, and every contractor and subcontractor involved in the performance of the borrower's/developer's obligations under this agreement shall comply with these section 3 requirements. The borrower/developer agrees to have this section 3 clause contained in every contractor and subcontractor contract.

B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.

C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.

E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with

persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.

F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

G. With respect to work performed in connection with Section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of Section 3 and section 7(b) agree to comply with section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).

H. The parties to this contract including the borrower/developer, contractor and subcontractors agree to report to the City/HRA at such frequency as required by the City/HRA its compliance with these Section 3 requirements on the form(s) required by the City/HRA, including electronic reporting using the B2Gnow/LCPtracking system.

## Attachment D

**List all Contractors and Vendors that have been awarded contracts in excess of \$100,000 or more\***

[illegible]

**\*Each contractor/vendor that has been awarded contracts in excess of \$100,000 must submit a Section 3 Plan that outlines the goals of the Section 3 Contract.**

**SECTION 3 EMPLOYMENT PLAN**

**Employment & Training Opportunity Worksheet**

Name of Company	# of *Core Employees	Proposed # of New Hires	Proposed # of New Hires that are Section 3 Eligible	Proposed % of New Hires that are Section 3 Eligible

**\*Attach a list of the core employees for the Recipient (Borrower/Developer), Contractor, and Sub-Contractors affiliated with this project.**

**List all Section 3 Business Concerns that will be utilized for this Project**

[illegible]

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### Economic Opportunities for Low- and Very Low-Income Persons

\_\_\_\_\_

1. Recipient Name & Address (street, city, state, zip)	2. Federal Notification # (omit no.)		3. Total Amount of Award		
	4. Contract Period		5. Phase: (Include new work)		
	6. Length of Grant		7. Reporting Period		
8. Date Report Submitted					
<b>Part I: Employment and Training (** Columns B, C and F are mandatory fields. Include New Hires in E &amp; F)</b>					
A Job Category	B Number of New Hires	C Number of New Hires Excludes Sec. 5 Hires/deaths	D % of Aggregate Number of Staff Positions of New Hires That are Sec. 5 Hires/deaths	E No. of Total Staff Hours for Section 5 Employees and Trainees	F Number of Section 5 Trainees
Professionals					
Technicians					
Office/Clerical					
Construction by Trade (List) Trade					
Trade					
Trade					
Trade					
Trade					
Other (List)					
Total					



---

**Part II: Contracts Awarded**

---

**1. Construction Contracts:**

---

A. Total dollar amount of all contracts awarded on the project	\$
B. Total dollar amount of contracts awarded to Section 3 businesses	\$
C. Percentage of the total dollar amount that was awarded to Section 3 businesses	%
D. Total number of Section 3 businesses receiving contracts	

**2. Non-Construction Contracts:**

---

A. Total dollar amount all non-construction contracts awarded on the project/activity	\$
B. Total dollar amount of non-construction contracts awarded to Section 3 businesses	\$
C. Percentage of the total dollar amount that was awarded to Section 3 businesses	%
D. Total number of Section 3 businesses receiving non-construction contracts	

**Part III: Summary**

Indicate the efforts made to direct the employment and other economic opportunities generated by HUD financial assistance for housing and community development programs, to the greatest extent feasible, toward low-and very low-income persons, particularly those who are recipients of government assistance for housing. (Check all that apply.)

- ☐ Attempted to recruit low-income residents through: local advertising media, signs prominently displayed at the project site, contracts with the community organizations and public or private agencies operating within the metropolitan area (or nonmetropolitan county) in which the Section 3 covered program or project is located, or similar methods.
- ☐ Participated in a HUD program or other program which promotes the training or employment of Section 3 residents.
- ☐ Participated in a HUD program or other program which promotes the award of contracts to business concerns which meet the definition of Section 3 business concerns.
- ☐ Coordinated with Youthbuild Programs administered in the metropolitan area in which the Section 3 covered project is located.
- ☐ Other; describe below.

---

Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u, mandates that the Department ensures that employment and other economic opportunities generated by its housing and community development assistance programs are directed toward low- and very-low income persons, particularly those who are recipients of government assistance housing. The regulations are found at 24 CFR Part 135. The information will be used by the Department to monitor program recipients' compliance with Section 3, to assess the results of the Department's efforts to meet the statutory objectives of Section 3, to prepare reports to Congress, and by recipients as self-monitoring tool. The data is entered into a database and will be analyzed and distributed. The collection of information involves recipients receiving Federal financial assistance for housing and community development programs covered by Section 3. The information will be collected annually to assist HUD in meeting its reporting requirements under Section 808(e)(6) of the Fair Housing Act and Section 916 of the HCDA of 1992. An assurance of confidentiality is not applicable to this form. The Privacy Act of 1974 and OMB Circular A-108 are not applicable. The reporting requirements do not contain sensitive questions. Data is cumulative; personal identifying information is not included.

Attachment E

CERTIFICATION FORMS

**CERTIFICATION FOR BUSINESS CONCERNS SEEKING SECTION 3  
PREFERENCE IN CONTRACTING  
CITY OF SAINT PAUL**

Name of Business \_\_\_\_\_  
Address \_\_\_\_\_  
Contact Person \_\_\_\_\_  
Telephone # \_\_\_\_\_  
Email address \_\_\_\_\_

Type of Business

- ☐ Corporation
- ☐ Partnership
- ☐ Joint Venture
- ☐ Sole Proprietorship
- ☐ Other (describe \_\_\_\_\_)

*(check one that applies, and attach documents evidencing formation of business entity)*

A Section 3 resident is a public housing resident or an individual who resides in the metropolitan areas and who is considered to be a low (families whose incomes do not exceed 80% of area median income) to very-low (families whose incomes do not exceed 50% of area median income) income person.

The above business certifies that it is a Section 3 business concern based on: (check all that apply)

- (1)\_\_\_ The business is 51% or more owned by Section 3 residents.
- (2)\_\_\_ At least 30% of the business' permanent, full time employees are currently Section 3 residents or were Section 3 residents within the past 3 years.
- (3)\_\_\_ The business commits to subcontracting 25% of the dollar award of all subcontracts to Section 3 business concerns who meet the qualification of (1) or (2) above.

For all boxes that apply, please provide documentation showing proof of the information stated.

The undersigned certifies that the above statements are true, complete and correct to the best of his/her knowledge.

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Date: \_\_\_\_\_

## RESIDENT EMPLOYMENT OPPORTUNITY DATA

THE HOUSING AUTHORITY (or CITY OF)  
SAINT PAUL

### ELIGIBILITY FOR PREFERENCE

#### Eligibility for Preference

A Section 3 resident seeking the preference in training and employment provided by this part shall certify, or submit evidence to the recipient contractor or subcontractor, if requested, that the person is a Section 3 resident as defined in Section 135.5. (An example of evidence of eligibility for the preference is evidence of receipt of public assistance, or or evidence of participation in a public assistance program.)

#### Certification for Resident seeking Section 3 Preference in Training and Employment

I. \_\_\_\_\_ am a legal resident of the \_\_\_\_\_

\_\_\_\_\_ and meet the income eligibility guidelines for low- or very-low-income person as published on the reverse.

My permanent address is: \_\_\_\_\_

\_\_\_\_\_

I have attached the following documentation as evidence of my status

☐ Copy of lease

☐ Copy of receipt of public Assistance

☐ Copy of Evidence of participation in a public assistance program

☐ Other evidence

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

### SECTION 3 INCOME LIMITS

All residents of public housing developments of the \_\_\_\_\_ Housing Authority qualify as Section 3 residents. Additionally, individuals residing in the \_\_\_\_\_ City of \_\_\_\_\_

Who meet the income limits set forth below, can also qualify for Section 3 status.

A picture identification card and proof of current residency is required.

#### Eligibility Guideline

Number in Household	Very Low Income	Low Income
1 individual	29,350.00	48,800.00
2 individuals	33,550.00	51,200.00
3 individuals	37,750.00	57,600.00
4 individuals	41,950.00	64,000.00
5 individuals	45,300.00	69,100.00
6 individuals	48,650.00	74,250.00
7 individuals	52,000.00	79,350.00
8 individuals	55,350.00	84,500.00

## Attachment F

**Section 3 action plan for City of Saint Paul and its HRA**  
(For Borrower/Developer and each Contractor and Subcontractor  
)

Entity \_\_\_\_\_  
Section 3 project coordinator \_\_\_\_\_  
Email Address \_\_\_\_\_  
Phone number \_\_\_\_\_  
Project Description \_\_\_\_\_  
City project number # \_\_\_\_\_

**Section 3 contracting goals-**

10% of building trades/construction work \$ \_\_\_\_\_

3% all other non-construction work (eg architect, appraisal, etc) \$ \_\_\_\_\_

*Note: Contracts for purchase of supplies and materials only are not subject to goals unless the contract includes installation of product, and in that event goals apply.*

**Section 3 employment goals-**

Proposed # of new hires \_\_\_\_\_

30% of new hires

Provide the following information in an attachment to this Section 3 action plan:

1. Description of current workforce.
2. Strategies for hiring Section 3 residents.
3. Strategies for contracting with Section 3 business concerns.
4. Efforts to conduct aggressive outreach and notification to potential Section 3 residents and business concerns of contracting and employment opportunities.

**Statement of Commitment**

By signature below, the undersigned acknowledges to the City of Saint Paul and its Housing and Redevelopment Authority (collectively the "City") that the undersigned has been provided with information and documents regarding the City's Section 3 Plan which explains the obligations and requirements of any construction project which is funded in part or whole by HUD sourced funds. The undersigned certifies to its commitment to comply with the City's Section 3 Plan, all Section 3 laws and regulations, and to use the City's Job Connect system located at [www.jobconnectmn.com](http://www.jobconnectmn.com) in connection with the above described project.

The undersigned further certifies that the information contained in this Section 3 action plan is accurate and correct. The undersigned understands that the City may impose penalties and sanctions for the submission of any false and inaccurate statements within this document, fails to achieve the Section 3 contracting and employment goals for the project, and/or fails to comply with the City's Section 3 Plan, Section 3 laws and regulations, or its contract obligations.

\_\_\_\_\_  
Company Name

By \_\_\_\_\_

Its \_\_\_\_\_ Date \_\_\_\_\_

1. Description of current workforce. (*complete*)
2. Strategies for hiring Section 3 residents. (*complete*)
3. Strategies for contracting with Section 3 business concerns. (*complete*)
4. Efforts to conduct aggressive outreach and notification to potential Section 3 residents and business concerns of contracting and employment opportunities. (*complete*)

Attachment G



Project ID \_\_\_\_\_

CITY OF SAINT PAUL/HRA

SECTION 3 CONTRACTING AND  
EMPLOYMENT OPPORTUNITIES  
TEMPLATE <sup>TM</sup>

(SHORT VERSION)

Project ID #

Master Format Code	Category	Building Trade/ Construction work	Non Construction Work	Materials Only (No Installation)	\$ Expenditure
01 50 00	Temporary Facilities and Controls				
02 00 00	Existing Conditions				
03 00 00	Concrete				
04 00 00	Masonry				
05 00 00	Metals				
06 00 00	Wood, Plastics, and Composites				
07 00 00	Thermal and Moisture Protection				
08 00 00	Openings				
09 00 00	Finishes				
10 00 00	Specialties				
11 00 00	Equipment				
12 00 00	Furnishings				
13 00 00	Special Construction				
14 00 00	Conveying Equipment				
21 00 00	Fire Suppression				
22 00 00	Plumbing				
23 00 00	Heating, Ventilating, and Air-Conditioning (HVAC)				
25 00 00	Integrated Automation				
26 00 00	Electrical				

<b>Master Format Code</b>	<b>Category</b>	<b>Building Trade/ Construction Work</b>	<b>Non Construction Work</b>	<b>Materials Only (No Installation)</b>	<b>\$ Expenditure</b>
27 00 00	Communications				
28 00 00	Electronic Safety and Security				
31 00 00	Earthwork				
32 00 00	Exterior Improvements				
33 00 00	Utilities				
34 00 00	Transportation				
35 00 00	Waterway and Marine Construction				
40 00 00	Process Integration				
44 00 00	Pollution Control Equipment				
41 00 00	Material Processing and Handling Equipment				
42 00 00	Process Heating, Cooling, and Drying Equipment				
45 00 00	Industry-Specific Manufacturing Equipment				
48 00 00	Electrical Power Generation				

<b>NAICS CODE</b>	<b>SERVICES</b>	<b>Building Trade/ Construction Work</b>	<b>Non Construction Work</b>	<b>Materials Only (No Installation)</b>	<b>\$ Expenditure</b>
5611	Office administrative Services				
5612	Facilities Support Services				
5613	Wired Telecommunications Carriers				
5614	Paging				
56141	Cellular and Other Wireless Telecommunications				
5615	Internet Service Providers, Web Search Portals, and Data Processing Services				
3616	Printing				
56171	Advertising Agencies				
56172	Public Relations Agencies				
56173	Media Buying Agencies				
56179	Media Representatives				
524126	Display Advertising				
442	Direct Mail Advertising				
442291	Photography Studios, Portrait				
443	Commercial Photography				
44312	Translation and Interpretation Services				
44313	Administrative Management and General Management Consulting Services				
444	Human Resources and Executive Search Consulting Services				

4442	Marketing Consulting Services				
44421	Process, Physical Distribution, and Logistics Consulting Services				
44422	Environmental Consulting Services				
447	Other Scientific and Technical Consulting Services				
452	Offices of Lawyers				
4531	Offices of Notaries				
45321	Title Abstract and Settlement Offices				
45322	Offices of Certified Public Accountants				
45322	Tax Preparation Services				
45392	Lessors of Real Estate				
454	Offices of Real Estate Agents and Brokers				
4542	Real Estate Property Managers				
4543	Offices of Real Estate Appraisers				

NAICS CODE	SERVICES	Building Trade/ Construction Work Only	Non Construction Work	Materials Only (No Installation)	\$ Expenditure
5161	Internet Publishing and Broadcasting				
517	Telecommunications				
5171	Wired Telecommunications Carriers				
517211	Paging				
517212	Cellular and Other Wireless Telecommunications				
518	Internet Service Providers, Web Search Portals, and Data Processing Services				
32311	Printing				
54181	Advertising Agencies				
54182	Public Relations Agencies				
54183	Media Buying Agencies				
54184	Media Representatives				
54185	Display Advertising				
54186	Direct Mail Advertising				
541921	Photography Studios, Portrait				
541922	Commercial Photography				
54193	Translation and Interpretation Services				
541611	Administrative Management and General Management Consulting Services				
541612	Human Resources and Executive Search Consulting Services				
541613	Marketing Consulting Services				
541614	Process, Physical Distribution, and Logistics Consulting Services				
54162	Environmental Consulting Services				
54169	Other Scientific and Technical Consulting Services				
54111	Offices of Lawyers				
54112	Offices of Notaries				
541191	Title Abstract and Settlement Offices				
541211	Offices of Certified Public Accountants				

541213	Tax Preparation Services				
531	Lessors of Real Estate				
5312	Offices of Real Estate Agents and Brokers				
53131	Real Estate Property Managers				
53132	Offices of Real Estate Appraisers				

<b>NAICS CODE</b>	<b>Architectural, Engineering, and Related Services</b>	<b>Building Trade/ Construction Work</b>	<b>Non Construction Work</b>	<b>Materials Only (No Installation)</b>	<b>\$ Expenditure</b>
4131	Architectural Services				
4132	Landscape Architectural Services				
4133	Engineering Services				
4134	Drafting Services				
4135	Building Inspection Services				
4136	Geophysical Surveying and Mapping Services				
4137	Surveying and Mapping (except Geophysical) Services				
4138	Testing Laboratories				
414	Specialized Design Services				
4141	Interior Design Services				
4142	Industrial Design Services				
4143	Graphic Design Services				
4149	Other Specialized Design Services				
415	Computer Systems Design and Related Services				
41511	Custom Computer Programming Services				
41513	Computer Facilities Management Services				
41519	Other Computer Related Services				



NAICS CODE	Specialty Trade Contractors	Building Trade/ Construction Work	Non Construction Work	Materials Only (No Installation)	\$ Expenditure
2381	Foundation, Structure, and Building Exterior Contractors				
23811	Poured Concrete Foundation and Structure Contractors				
2381	Structural Steel and Precast Concrete Contractors				
23813	Framing Contractors				
23814	Masonry Contractors				
23815	Glass and Glazing Contractors				
23816	Roofing Contractors				
23817	Siding Contractors				
23819	Other Foundation, Structure, and Building Exterior Contractors				
2382	Building Equipment Contractors				
23821	Electrical Contractors				
23822	Plumbing, Heating, and Air-Conditioning Contractors				
23829	Other Building Equipment Contractors				
2383	Building Finishing Contractors				
23831	Drywall and Insulation Contractors				
23832	Painting and Wall Covering Contractors				
23833	Flooring Contractors				
23834	Tile and Terrazzo Contractors				
23835	Finish Carpentry Contractors				
23839	Other Building Finishing Contractors				
2389	Other Specialty Trade Contractors				

Specialty Trade Contractors	Building Trade/ Construction Work	Non Construction Work	Materials Only (No Installation)
TOTAL			
Section 3 % Goals	10%	3%	0%
Section 3 \$ Goals	\$	\$	\$